

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WALLACE DEEN-MITCHELL,	:	CIVIL ACTION NO. 1:11-CV-1902
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
HARLEY G. LAPPIN and	:	
FEDERAL BUREAU OF PRISONS,	:	
Defendants	:	

ORDER

AND NOW, this 13th day of September, 2012, upon consideration of the Report and Recommendation of United States Magistrate Judge Malachy E. Mannion (Doc. 95), recommending that plaintiff's proposed amended complaint be dismissed for failure to comply with court order, and, following an independent review of the record and noting that plaintiff filed objections¹ to the report on July 30, 2012 (Doc. 100), and the court finding Judge Mannion's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Mannion's report (Doc. 95), particularly in light of the fact that the amended complaint identifies over 75 defendants and numerous incidents which cannot be causally connected by broad

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

and bald accusations of conspiracy, and that this pleading does not conform to the clear dictates of Judge Mannion's prior order (Doc. 86) granting leave to amend, and the court finding that: (1) plaintiff personally disregarded the court's prior order; (2) plaintiff's actions were willful and intentional; (3) plaintiff has exhibited some dilatoriness as described in the magistrate judge's report; (4) plaintiff's adversaries are prejudiced by virtue of plaintiff's inability to define the parameters of his claims; (5) plaintiff has been provided ample opportunity to amend and, therefore, the only remaining effective sanction is dismissal; and (6) the plaintiff's claims appear to be frivolous, see Fed. R. Civ. P. 41(b); Briscoe v. Klaus, 538 F.3d 252, 258 (3d Cir. 2008); Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984) (listing factors to be considered by district courts prior to dismissal for failing to comply with court orders and rules), it is hereby ORDERED that:

1. The Report and Recommendation of Magistrate Judge Mannion (Doc. 95) are ADOPTED.
2. Plaintiff's amended complaint (Doc. 94) is DISMISSED with prejudice.
3. The Clerk of Court is directed to TERMINATE all other pending motions.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge